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C O N F I D E N T I A L SECTION 01 OF 02 KATHMANDU 001074

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STATE FOR SA/INS AND PRM
LONDON FOR POL - GURNEY
BEIJING PLEASE PASS CHENGDU
NSC FOR MILLARD

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TAGS: [PREF](#) [PREL](#) [CH](#) [NP](#)

SUBJECT: NEPAL: GOVERNMENT ASSURANCES, POLICY AMBIGUITIES
ON TIBETAN REFUGEES

REF: KATHMANDU 1044 AND PREVIOUS

Classified By: CDA ROBERT K. BOGGS. REASON: 1.5 (B,D).

SUMMARY

[11.](#) (C) On June 10 in separate conversations with Charge and Ambassador Joyce Leader, Office Director of PRM/ANE, the Secretaries of the Ministries of Foreign Affairs and Home

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have attempted to assure us that Government of Nepal (GON) policy toward Tibetan refugees transiting Nepal has not changed. The absence of any written policy and variations in the messages conveyed by the two Secretaries, however, make it difficult to assume a uniform GON approach to such cases in the future. UNHCR's success in securing exit permits for 40 Tibetan refugees on June 11 may provide a promising early indicator. End summary.

MFA: "INFORMAL INSTRUCTIONS"
NOT TO ARREST TIBETANS

[12.](#) (C) In a June 10 meeting, Foreign Secretary Madhu Raman Acharya told Charge that the Government of Nepal (GON) has issued "informal instructions" to the police not to arrest Tibetans transiting Nepal on their way to India. (Note: Acharya had earlier told Charge that he had spent four hours at the Home Ministry the previous week reviewing procedures and policies regarding Tibetan refugees. End note.) Acharya described the May 31 deportation of 18 Tibetan refugees to China (Reftel) as "an extraordinary circumstance" that will not recur. He asked the Charge how the GON could re-establish its credibility with the international community. The Charge replied that the best way is for the GON to revert to its past practice of complying with the "gentlemen's agreement" by handing over Tibetan asylum seekers to UNHCR. The international community, including the US, will be watching carefully to ensure that the GON demonstrates its statement that it has not changed its policy by continuing to abide by that agreement. Acharya reiterated his previous reassurances that the GON policy remains unchanged.

[13.](#) (C) Acharya once again blamed heavy Chinese pressure for the GON deviating from its usual practice and deporting the Tibetans. As an example, he cited a request from the Chinese government that Nepal issue multiple-entry visas to certain "refugees" (i.e., Chinese spies posing as guides escorting fleeing Tibetans across the border). When the GON refused, China imposed a work permit requirement for Nepalis seeking employment in Hong Kong, Acharya said. He added that the Chinese government had earlier given the GON a list of names of Tibetans it believed were in Nepal, requesting that the GON apprehend them. Instead, the GON ignored the list and allowed three of the people listed to leave for India. Acharya said he believes the Chinese hard line on the latest group of 18 may have been in retaliation for the GON's failure to heed that request.

HOME MINISTRY:
FIRST COME, FIRST SERVED?

[14.](#) (C) Also on June 10, Ambassador Joyce Leader, Office Director of PRM/ANE, accompanied by poloffs, met with Home Secretary Tika Datta Niraula. (Note: Amb. Leader's call

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marks the first time the Embassy has succeeded in speaking with Niraula, despite numerous efforts, since May 29. End note.) Amb. Leader underscored USG concern at the GON's deportation of the 18 Tibetans and strongly urged the GON to abide, on humanitarian grounds, by the "gentlemen's agreement" and turn over Tibetan asylum seekers to UNHCR.

Niraula responded that the GON has not changed its policy and described the deportation as an "accident" that "won't happen again." As an example of its commitment, the GON is prepared to grant an exit permit to a Tibetan man who has been detained since May, Niraula stated, pulling a file from his desk. When poloff asked when the exit permit would be granted, Niraula replied that the final decision would have to await appointment of a new Home Minister. Poloffs also noted that UNHCR had applied for exit permits for a group of 40 Tibetans, currently staying at the Reception Center, for travel to India. Niraula said he was unaware of the request but foresaw no problem. (Note: The exit permits were granted on June 11. The bus was expected to leave the evening of the same day. End note.)

15. (C) Niraula contended that the GON broke no law by detaining undocumented foreigners on its territory. Even if the GON did not break its laws, Amb. Leader rejoined, it violated the gentlemen's agreement and the policy that had earned it a reputation for tolerance and hospitality toward Tibetans. It is very important that the GON follow up its verbal commitments with actions that demonstrate that its policy remains intact.

16. (C) Poloff asked Niraula to articulate GON policy toward Tibetan asylum seekers. Niraula replied that the GON will hand over asylum seekers to the UNHCR if it expresses an interest in them as "persons of concern." The asylum seekers may not be turned over, however, if the Chinese government expresses an interest before the UNHCR in a particular case, he suggested. The Chinese had designated the 18 deported Tibetans as "persons of concern" before the UNHCR did, he asserted, claiming that the UNHCR did not contact the Home Ministry until the day before the deportation. (Note: UNHCR has told us it contacted the Home Ministry more than one week before the deportation. End note.)

17. (C) Poloff urged that UNHCR be afforded access to all "persons of concern"--regardless of who else may have expressed "concern" about them--in accordance with international norms and standards. When Niraula raised Nepal's special relationship with China, Amb. Leader urged the GON to keep the humanitarian issue of asylum divorced from political considerations. Niraula then backpedaled a little from his previous statement about early Chinese expressions of "concern" trumping UNHCR access, reiterating that the deportations will not recur and that the GON has not changed its policy.

COMMENT

18. (C) The GON is acutely aware of the damage the deportations have brought to its standing in the international community and is particularly anxious to allay donor concerns about possible recurrences in the future. While we are pleased to hear of the "informal instructions" given to the police not to arrest Tibetans, it is difficult to determine, in the continued absence of a formal policy, how closely the instructions will be followed--especially in cases of "concern" to the Chinese. We will continue to monitor the situation closely--including the timely granting of an exit permit to the Tibetan male Niraula mentioned.

19. (U) Amb. Leader did not have an opportunity to clear this message
BOGGS